THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 21192 OF 2005

29-09-2005

Between:

A.Ramachandra Reddy.

..... PETITIONER

AND

The Vice-Chairman and Managing Director, APSRTC, Mushirabad,

Hyderabad & Others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 21192 OF 2005

ORDER :

The petitioner challenged the show cause notice, dated 19.09.2005, wherein he was required to explain as to why the punishment of

removal from service shall not be inflicted upon him.

The petitioner is employed as Driver in the Hayathnagar Depot of A.P.S.R.T.C. Disciplinary proceedings were initiated against him, alleging that he suppressed the factum of his earlier appointment and that the driving license produced by him, is not genuine. He was also placed under suspension through order, dated 20.11.2003.

Petitioner filed writ petition No.24704 of 2003 before this Court challenging the order of suspension. Initially, interim order was granted and ultimately the writ petition was disposed of on 15.06.2005. The petitioner was directed to be continued in service till the conclusion of the disciplinary proceedings and the respondents were directed to provide him adequate opportunity to participate in the proceedings.

After the disposal of the writ petition, an Inquiry Officer was appointed and on the basis of the inquiry conducted by him, he submitted a report, dated 11.08.2005, holding that the charges levelled against the petitioner are proved. Taking the same into account, the 4th respondent issued the impugned show cause notice.

Sri P.Raghavendra Reddy, learned counsel for the petitioner submits that though this Court specifically directed to give adequate opportunity to the petitioner, the respondents did not follow the same. He submits that the petitioner made a specific request to the respondents to record the evidence of the R.T.A., Aurangabad, who granted the license and the R.T.A., East Zone, who granted renewals thereafter, and despite the same, no steps were taken in that direction. It is also submitted that several documents, which were demanded by the petitioner, were not furnished and that the petitioner deserves to be given a fresh opportunity in the inquiry.

Sri V.T.M.Prasad, learned Counsel for respondent Nos.1 and 2, on the other hand, submits that the writ petition is not maintainable against the show cause notice. He contends that the very fact that the petitioner participated in the inquiry, submitted various

documents, cross-examined the witnesses produced by the management, itself discloses that he was given ample opportunity. He contended that if the petitioner is of the view that the report of the Inquiry Officer suffers from illegality or infirmity, he can point out the same in his explanation.

The petitioner is facing disciplinary proceedings on the basis of the charge sheet issued to him. An Inquiry Officer was appointed and the petitioner participated in the same. Even assuming that the findings recorded by the Inquiry Officer suffer from any illegality or factual inconsistency, it shall always be open to the petitioner to point out the same in his explanation. The petitioner is not able to point out any material irregularity in the proceedings that warrants interference of this Court at this stage. In case the objections raised by the petitioner are not taken into account and an order of punishment is passed against him, he can certainly canvass his remedies in accordance with law. This Court does not find any basis to interfere with the show cause notice.

Therefore, the writ petition is dismissed, leaving it open to the petitioner to point out all his objections in his explanation and the respondent No.4 shall take the same into consideration. No order as to costs.

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29th SEPTEMBER, 2005

Note:

Furnish copy in three days.

(B/o)

ajr